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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,037	08/08/2001	James R. Gillingham	2019.319	5226
7590 02/10/2006 FITCH, EVEN, TABIN & FLANNERY 120 SO. LASALLE STREET, SUITE 1600 CHICAGO, IL 60603-3406			EXAMINER LUGO, CARLOS	
			ART UNIT 3676	PAPER NUMBER

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/928,037

Applicant(s)

GILLINGHAM ET AL.

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 15-26, 29-40 and 43-47 is/are pending in the application.
- 4a) Of the above claim(s) 13, 14, 27, 28, 41, 42 and 48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 15-26, 29-40 and 43-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to applicant's election filed on January 17, 2006.

Election/Restrictions

2. Applicant's election without traverse of Species #1, drawn to figures 2a and 2b, in the reply filed on January 17, 2006 is acknowledged. Claims 1-12,15-26,29-40 and 43-47 are considered as read on the specie, as establish by the applicant. Claims 13,14,27,28,41,42, and 48 are withdrawn from consideration.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

- Elements 21 and 46 are not described in the current specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The specification is objected to because of the following informalities:

- Page 4 Lines 21 and 22, change "slidable mounting frame 43" to -mounting frame 43-.
- Page 5 Line 8, change "72" to -70 and 72-.
- Page 5 Line 30, change "The back plate 60 of the slidable mounting assembly 40 frame 43" to -The slidable locking plate 42 of the slidable mounting assembly 40-.
- Page 6 Line 7, delete the phrase "frame 43".
- Page 6 Line 16, change "the slidable mounting assembly 40 back plate 60 attachment to the housing sidewall 18 of the security gate operating mechanism 10 housing 12, with the solenoid 48" to -the slidable locking plate 42 of the slidable mounting assembly 40, with the solenoid 48-.
- Page 6 Line 29, change "2()" to -2(d)-.

Appropriate correction is required.

Claim Objections

5. **Claims 1,2,15,16,29,30, and 43-47 are objected** to because of the following informalities:

- Claim 1 Line 4, change "a locking collar mounted" to -a locking collar adapted to be mounted-.

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- Claim 1 Line 16, change “wherein the mounting of the slide mounting assembly in the first position” to -wherein the mounting of the locking plate in the first position-.
- Claim 1 Line 19, change “and the mounting of the slide mounting assembly in the second position” to -and the mounting of the locking plate in the second position-.
- Claim 2 Line 1, change “comprises a first and a second locking finger” to -comprises first and second locking fingers-.
- Claim 15 Line 4, change “a locking collar mounted” to -a locking collar adapted to be mounted-.
- Claim 15 Line 16, change “wherein the mounting of the slide mounting assembly in the first position” to -wherein the mounting of the locking plate in the first position-.
- Claim 15 Line 19, change “and the mounting of the slide mounting assembly in the second position” to -and the mounting of the locking plate in the second position-.
- Claim 16 Line 1, change “comprises a first and a second locking finger” to -comprises first and second locking fingers-.
- Claim 29 Line 16, change “wherein the mounting of the slide mounting assembly in the first position” to -wherein the mounting of the locking plate in the first position-.

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- Claim 29 Line 19, change "and the mounting of the slide mounting assembly in the second position" to -and the mounting of the locking plate in the second position-.
- Claim 30 Line 1, change "comprises a first and a second locking finger" to -comprises first and second locking fingers-.
- Claim 43 Line 4, change "a locking collar mounted" to -a locking collar adapted to be mounted-.
- Claim 43 Line 17, change "wherein the mounting of the slide mounting assembly in the first position" to -wherein the mounting of the locking plate in the first position-.
- Claim 43 Line 20, change "and the mounting of the slide mounting assembly in the second position" to -and the mounting of the locking plate in the second position-.
- Claim 43 Line 24, change "comprises a first and a second locking finger" to -comprises first and second locking fingers-.
- Claim 44 Line 4, change "a locking collar mounted" to -a locking collar adapted to be mounted-.
- Claim 44 Line 5, change "and having at least one engageable protrusion" to -and having a plurality of engageable protrusions-.
- Claim 44 Line 17, change "wherein the mounting of the slide mounting assembly in the first position" to -wherein the mounting of the locking plate in the first position-.

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- Claim 44 Line 20, change "and the mounting of the slide mounting assembly in the second position" to -and the mounting of the locking plate in the second position-.
- Claim 44 Line 24, change "comprises a first and a second locking finger" to -comprises first and second locking fingers-.
- Claim 44 Line 29, change "energized; and, the locking collar includes a plurality of engageable protrusions." to -energized.-.
- Claim 45 Line 4, change "a locking collar mounted" to -a locking collar adapted to be mounted-.
- Claim 45 Line 5, change "and having at least one engageable protrusion" to -and having a plurality of engageable protrusions-.
- Claim 45 Line 17, change "wherein the mounting of the slide mounting assembly in the first position" to -wherein the mounting of the locking plate in the first position-.
- Claim 45 Line 20, change "and the mounting of the slide mounting assembly in the second position" to -and the mounting of the locking plate in the second position-.
- Claim 45 Line 24, change "comprises a first and a second locking finger" to -comprises first and second locking fingers-.
- Claim 45 Line 30, delete the phrase "the locking collar includes a plurality of engageable protrusions".

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- Claim 46 Line 4, change “a locking collar mounted” to -a locking collar adapted to be mounted-.
- Claim 46 Line 17, change “wherein the mounting of the slide mounting assembly in the first position” to -wherein the mounting of the locking plate in the first position-.
- Claim 46 Line 20, change “and the mounting of the slide mounting assembly in the second position” to -and the mounting of the locking plate in the second position-.
- Claim 46 Line 24, change “comprises a first and a second locking finger” to -comprises first and second locking fingers-.
- Claim 47 Line 4, change “a locking collar mounted” to -a locking collar adapted to be mounted-.
- Claim 47 Line 16, change “wherein the mounting of the slide mounting assembly in the first position” to -wherein the mounting of the locking plate in the first position-.
- Claim 47 Line 19, change “and the mounting of the slide mounting assembly in the second position” to -and the mounting of the locking plate in the second position-.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

- The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in

the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. **Claims 1-12,15-26,29-40 and 43-47 are rejected** under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1,15,29 and 43-47 recites that the slide mounting assembly is moved into a first and a second position, depending if the electrically operated unit is energized or not.

The specification, page 5 line 23 to page 6 line 15, the applicant described that the frame 43 is positioned in two different positions, as seen on figures 2a and 2b, depending if the solenoid is energized or not.

First, the examiner asks the applicant, how the frame 43 slides? According to Figures 2a and 2b, the element that is displaced is the locking plate 42, not the frame 43. The locking plate 42 is the one engaged to the solenoid 48 by engaging the operating arm 50 to the locking plate 42 by means of a pin 52. When the solenoid is energized, the operating arm will move the locking plate 42 so as to move the locking finger 72 out of the path of the pin 82, as seen in Figure 2b. When the solenoid is deenergized, gravity will move the locking plate 42 downwardly so that the locking finger 72 is placed in the path of the pin 82 so as to lock the assembly.

Therefore, in order to continue with the examination, the examiner will examine the application as the locking plate being the member that moves so as to provide

the slide mounting assembly into the first and a second position (see objections to the specification above). Appropriate correction and explanation is required.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

9. **Claims 1-12,15-26,29-40 and 43-47 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1,15,29 and 43-47 recites that the mounting of the slide mounting assembly in the first position of the slide mounting assembly places the at least one locking finger in a position to engage the at least one engageable member when the electrically operated sliding unit is deenergized and the mounting of the slide mounting assembly in the second position of the slide mounting assembly places the at least one locking finger in a position to engage the at least one engageable member when the electrically operated sliding unit is energized.

It is unclear how the slide mounting assembly is mounted in the first position and second positions of the slide mounting assembly. According to the drawings, it should be the mounting of the locking plate in the first and second positions of the slide mounting assembly, since is the locking plate 42 the one that includes the fingers 70 and 72.

Therefore, in order to continue with the examination, the limitation will be examined as the mounting of the locking plate in the first position of the slide mounting assembly places the at least one locking finger in a position to engage the

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at least one engageable member when the electrically operated sliding unit is deenergized and the mounting of the locking plate in the second position of the slide mounting assembly places the at least one locking finger in a position to engage the at least one engageable member when the electrically operated sliding unit is energized (see claim objection above). Appropriate correction and explanation is required.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-272-7049.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.



Carlos Lugo
Patent Examiner
AU 3676

February 1, 2006.